

Translation

PATENT COOPERATION TREATY

PCT

10/069,104

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|                                                                                           |                                                                                                                               |                                                             |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Applicant's or agent's file reference<br>SOL 99/036                                       | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |                                                             |
| International application No.<br>PCT/FR00/02370                                           | International filing date (day/month/year)<br>25 August 2000 (25.08.00)                                                       | Priority date (day/month/year)<br>26 August 1999 (26.08.99) |
| International Patent Classification (IPC) or national classification and IPC<br>G01T 1/40 |                                                                                                                               |                                                             |
| Applicant<br>SOLLAC                                                                       |                                                                                                                               |                                                             |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

|                                                              |                                                                    |
|--------------------------------------------------------------|--------------------------------------------------------------------|
| Date of submission of the demand<br>22 March 2001 (22.03.01) | Date of completion of this report<br>04 February 2002 (04.02.2002) |
| Name and mailing address of the IPEA/EP                      | Authorized officer                                                 |
| Facsimile No.                                                | Telephone No.                                                      |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR00/02370

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☐ the description, pages 2-6, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages 1, 1a, filed with the letter of 28 November 2001 (28.11.2001),  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the claims, Nos. \_\_\_\_\_, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. 1-12, filed with the letter of 28 November 2001 (28.11.2001),  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the drawings, sheets/fig 1/2, 2/2, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-12 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-12 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-12 | YES |
|                               | Claims |      | NO  |

### 2. Citations and explanations

Reference is made to the following document:

D1: EP-A-0 066 763 (GEN ELECTRIC) 15 December 1982  
(1982-12-15).

1. Technical field: Measuring luminous intensity using photomultipliers.

The closest prior art D1 (cited on page 1 of the international application) describes an apparatus with automatic gain control for a gamma camera. Diodes send pulsed light onto a photomultiplier cathode in order to continuously calibrate the amplification during use.

The subject matter of **Claim 1** (device) therefore differs from D1 in that it includes:

- means for turning off the radiation source or closing off the radiation to be measured, and
- means for activating the calibration source only during periods of extinction or closing off of the radiation.

Thus, the measurements obtained during the calibration phases and those obtained during the

measurement phases proper can be separated. The calibration measurements are therefore unresponsive to the gain deviations and fluctuations of the photomultiplier and they can be deduced from the effective measurements. An improvement of the measurements is thus achieved.

The subject matter of the claim, leading to the solution to the problem is neither known from nor suggested by the prior art D1 or other documents cited in the international search report.

**Claim 1** therefore satisfies the PCT requirements of novelty and inventive step (PCT Article 33(2) and (3)).

2. **Claims 2-12** are dependent on Claim 1 and therefore likewise satisfy, as such, the PCT requirements of novelty and inventive step.
3. The industrial applicability of the subject matter of Claims 1-12 is obvious (PCT Article 33(4)).

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## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

### 1. Clarity (PCT Article 6)

1.1 The dependence of Claim 12 on the preceding claims is incorrect, given that device (method) claims can be dependent only on device (method) claims. Claim 9 is not a method claim.

1.2 Claim 12 lacks clarity because it does not contain the features necessary for the definition of the invention. Indeed, the method steps according to which the thickness of a material is measured by using the device or the method of the preceding claims are not defined (PCT Rule 6.3(b); PCT Guidelines, Section IV, Chapter III-4.4).